

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|  |   |                |
|--|---|----------------|
| <b>GLORIA DOMINA-MERGENTHAL</b>        | : | CIVIL ACTION   |
|  | : |                |
| v.                                     | : |                |
|  | : | NO. 05-cv-3776 |
| <b>JO ANNE B. BARNHART,</b>            | : |                |
| <b>Commissioner of Social Security</b> | : |                |

**O R D E R**

AND NOW, this 22<sup>nd</sup> day of November, 2006, in accordance with the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, to which no objections have been received within the applicable time limits, it is hereby ORDERED that:

1. Plaintiff's Motion for Summary Judgment (Doc. No. 8) is GRANTED IN PART AND DENIED IN PART,
2. The Commissioner's Motion for Summary Judgment (Doc. No. 12) is DENIED,
3. The matter is REMANDED to the Commissioner for proceedings in accordance with the Magistrate Judge's Report and Recommendation.

BY THE COURT:

/s/ Thomas M. Golden  
THOMAS M. GOLDEN  
UNITED STATES DISTRICT JUDGE